



EXECUTIVE OFFICE OF THE PRESIDENT
OFFICE OF MANAGEMENT AND BUDGET
WASHINGTON, D.C. 20503

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SPECIAL

August 29, 1988

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FROM: GREG JONES, OMB 395-3454 *Greg*

SUBJECT: Draft Administration Floor Position on the House
Drug Bill

Please provide comments on the attached draft floor position on the House drug bill by 5 PM today. It is virtually the same as one prepared earlier this month (August 8th) for the Rules Committee; that earlier version was not sent, however.

Note: Per White House Legislative Affairs we are addressing only those amendments to be offered that we know the Administration opposes.

cc: Ken Schwartz
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STATEMENT OF ADMINISTRATION POLICY

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August 29, 1988
(House)

H.R. 5210 - Omnibus Drug Initiative Act of 1988
(Foley (D) Washington and Michel (R) Illinois)

The Administration supports legislation to strengthen and improve the Nation's anti-drug abuse laws, especially efforts to achieve the six major goals outlined by the President in 1986:

- Drug-free workplaces for all Americans;
- Drug-free schools, from the elementary through post-secondary levels;
- Expanded treatment for drug users;
- Strengthened drug law enforcement;
- Increased international narcotics cooperation; and
- Increased public awareness and prevention.

The Administration has approved the policy recommendations prepared by the National Drug Policy Board, which focused on: the illegal drug user; tougher laws; enhanced treatment; increased international cooperation; better tracking of demand and supply reduction activities; and heightened drug abuse awareness and prevention.

The Administration recognizes the need to fund drug-related programs and therefore opposes any reduction in such funding requested by the President in his FY 1989 budget submission. Additional funding or earmarks for drug-related programs that are not consistent with the terms of last year's Bipartisan Budget Agreement must be accompanied by equal offsets. The Administration will work with Congress in a bipartisan effort to identify offsets.

As a general matter, the Administration opposes provisions in this bill that would shift block grant authorities back to restrictive categorical grants, that would detract from the Administration's "zero tolerance" policy, and that would provide the Federal Aviation Administration (FAA) with budgetary and legislative bypasses by requiring the FAA to submit budgetary and legislative materials to Congress at the same time they are submitted to the Department of Transportation and/or the Office of Management and Budget.

With respect to the specific amendments to be offered to H.R. 5210, the Administration opposes the following proposals:

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- The Broomfield amendment regarding increased use of intelligence capabilities. This provision is unnecessary.
- The Levin amendment to prohibit imposition of the death penalty on a person who is mentally retarded. This amendment is unnecessary; a person's state of mind is already considered in determining whether he or she possessed the requisite intent to commit an offense.
- The Edwards amendment to add additional restrictions on imposition of the death penalty. These proposals would needlessly weaken the bill's death penalty provisions (contained in the Gekas amendment).
- The Conyers amendment regarding representation of indigent defendants. Indigent defendants already have adequate access to counsel; additional representation is not necessary.
- The Ortiz amendment to permit greater access by State and local governments to the Justice and Customs Forfeiture Funds. Current law already permits equitable sharing with State and local governments in certain situations; this provision would provide such governments with an inappropriate windfall.
- The Studds amendment to prohibit the forfeiture of a vessel, vehicle or aircraft for a drug-related offense without the knowledge or consent of the owner. The Administration vigorously opposes proposals of this nature, which would reduce the impact of the Administration's zero tolerance policy.
- The Pepper amendment to authorize a local police department demonstration grant program in Dade County and Miami Beach, Florida. "Earmarked" grant programs of this nature are unwise and inappropriate.
- The Davis amendment concerning vessel identification. This provision would rewrite much of the current law on vessel documentation in a confusing, vague, and technically flawed way.
- The Johnson/Dorgan amendment to authorize grants to States that adopt certain measures to combat drunk driving. A grant program of this nature is unnecessary and contrary to principles of federalism. Many States have already taken significant steps to crack down on drunk driving.
- The Anderson amendment to authorize grants to States that adopt certain drug enforcement programs. See previous item.
- The McCollum amendment requiring the revocation or suspension of drivers licenses for drug-related offenses, with funds to be withheld from States that do not comply. See previous

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items.

- The Hughes amendments concerning the distribution of anabolic steroids. This provision is unnecessary.
- The Bliley amendment concerning the certification of private clinical laboratories that conduct drug tests. This amendment is not needed; there is a voluntary certification process already available in the private sector.
- The Alexander amendment concerning the disclosure of illegal foreign drug activities. This amendment is not necessary.

The Administration would support -- and recommends that the bill be amended -- to achieve the following three reforms, each of which has been sought by the President throughout his Administration:

- Imposition of the death penalty in serious and appropriate cases;
- Repeal of the so-called "exclusionary rule;" and
- Reform of Federal habeas corpus procedures.

The Administration looks forward to working with Congress to pass and present to the President an acceptable legislative package, with such other amendments as may be mutually agreed upon, before the end of this year. The President has called for an Executive-Legislative Bipartisan Task Force to determine the details of this legislation and is awaiting the appointment of congressional Task Force members.
